TRADEMARK

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Application No. 78/140,320 Applicant: Shasta Beverages, Inc. Published: February 3, 2004 For: SHASTA GOLD	
Shasta Beverages, Inc.,)
3 , ,	Opposition No.
Opposer,) 91161586
vs.)
) MOTION ON CONSENT TO
The Regents of the University of California) RE-SUSPEND OPPOSITION)
Applicant.))
Commissioner for Trademarks	
P.O. Box 1451	
Alexandria, VA 22313-1451	

Madam:

Applicant respectfully moves this Board for an order re-suspending this action pending the disposition of another application, filed by Opposer herein (for the mark SHASTA SHORTZ, Ser. No. 78/231,572), which has been initially refused due to Applicant's earlier-filed application at issue in this Opposition. Opposer and Applicant have now reached agreement on all language in their settlement agreement, which provides for submission of Applicant's consent to Opposer's '572 application. This Motion is made so that the Trademark Office can act on that consent, and thereby potentially resolved this dispute without the parties and the Board unnecessarily investing time and effort into the litigation of this action.



08-15-2005

On October 19, 2004 the parties filed a Motion on Consent to Suspend this Opposition, which was granted by the Board on February 1, 2005. That Order also provided that the action resumed as of August 1, 2005. Unfortunately, the Trademark Examiner has still not yet acted on Applicant's consent to Opposer's application. Pursuant to the Board's February 1, 2005 Order resuming this opposition, however, Applicant presently has until August 30, 2005 to Answer or otherwise plead in response to the Notice of Opposition.

The parties therefore hereby jointly move this Board to re-suspend this action until the Trademark Office can act on Applicant's consent to Opposer's application, so that this dispute can be resolved without the parties and the Board unnecessarily investing time and effort into the litigation of this action.

Both parties reserve the right to request resumption of this proceeding, if either believes it to be appropriate. Once the Office acts on Opposer's '572 application, Opposer will either dismiss this action, or the parties will contact the Board to reschedule Applicant's Answer and the cut-off dates for discovery and trial.

Opposer's counsel, Kenneth R. Glaser, has consented to this motion on behalf of Opposer.

Respectfully submitted,

TOWNSEND AND TOWNSEND AND CREW LLP

rneys for Applicant

Dated: August 12, 2005

By VIIII A. Hughes

TOWNSEND and TOWNSEND and CREW LLP Two Embarcadero Center, 8th Floor San Francisco, California 94111

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited on August 12, 2005 with the United States Postal Service as first class mail, postage prepaid, in envelopes addressed to:

Commissioner for Trademarks P.O. Box 1451 Alexandria, VA 22313-1451

and to counsel for Opposer, at

Kenneth R. Glaser Lisa R. Hemphill Gardere Wynne Sewell, LLP 3000 Thanksgiving Tower 1601 Elm Street Dallas, Texas 75201

John A. Hughes

60336435 v2